

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

BRANDI AND BENJAMIN AKERS,

Plaintiffs,

vs.

MEDICREDIT, INC.

Defendant.

)  
)  
)  
) Case No. \_\_\_\_\_

) St. Louis County, Missouri

) Associate Circuit Court

) No. 13SL-AC00152

)  
) **NOTICE OF REMOVAL OF ACTION**  
) **UNDER 28.U.S.C. §1331**

)  
) **(FEDERAL QUESTION JURISDICTION)**  
)

**NOTICE OF REMOVAL OF CIVIL ACTION**

Defendant Medcredit, Inc. ("Defendant"), pursuant to 28 U.S.C. §1441, hereby removes this action to this Court from the Associate Circuit Court of St. Louis County, State of Missouri. This is a civil action over which this Court has original subject matter jurisdiction under 28 U.S.C. §1331 in that Plaintiffs' Petition filed raises claims centered on the "Fair Debt Collection Practices Act", or "FDCPA", 15 USC 1692, et. seq., and on the "Telephone Consumer Protection Act," 47 U.S.C. § 227. In support hereof, Defendant states as follows:

**I. INTRODUCTION**

1. Plaintiffs Brandi and Benjamin Akers (the "Plaintiffs") filed this case, styled *Brandi and Benjamin Akers v. Medcredit, Inc.*, Cause No. 13SL-AC-00152, in the Circuit Court of St. Louis County, State of Missouri. This lawsuit involves Plaintiffs' claims relating to an allege debt with Defendant.

2. Plaintiffs filed their two count Petition for Violation of the FDCPA, among other things.

## **II. NOTICE OF REMOVAL IS TIMELY**

3. On or about January 30, 2013, the Plaintiffs served their Petition on Defendant. This Notice of Removal is timely because it is filed within thirty (30) days of Defendant's receipt of service of the Petition and within one year of the commencement of this action as mandated by 28 U.S.C. §1446(b).

## **III. FEDERAL QUESTION JURISDICTION EXISTS**

4. The Court has original jurisdiction over this action under 28 U.S.C. §1331 and this case may be removed pursuant to 28 U.S.C. §1441(b) because it involves a federal question based upon the "Fair Debt Collection Practices Act", 15 U.S.C. §1692a and the "Telephone Consumer Protection Act", 47 U.S.C. § 227.

## **IV. REMOVAL TO THIS DISTRICT IS PROPER**

5. Removal venue exists in the United States District Court for the Eastern District of Missouri and is proper in this Court because the Circuit Court of St. Louis County, State of Missouri is within the Eastern District of Missouri.

6. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81-2.03, true and correct copies of all pleadings on file at St. Louis County to date are attached hereto as **Exhibit A**.

7. Written notice of the filing of this Notice of Removal will be promptly served on the attorney for Plaintiffs and a copy has been filed with the Clerk of the Circuit Court of St. Louis County, State of Missouri.

8. Defendant's Notice to Clerk of Filing Notice of Removal will also be promptly filed with the Clerk of the Circuit Court of St. Louis County, State of Missouri.

9. Defendant hereby reserves any and all rights to assert any and all defenses to Plaintiffs' Petition, including but not limited to failure to state a claim upon which relief can be granted.

10. Defendant reserves the right to amend or supplement this Notice of Removal.

11. Defendant has not answered the Petition in state court, and will do so consistent with Fed. R. Civ. P. 8(c).

WHEREFORE, Medicredit, Inc. respectfully removes this action now pending in the Circuit Court of St. Louis County, State of Missouri to this Court.

**LATHROP & GAGE LLP**

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**Attorneys for Defendant  
Medicredit, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify a true copy of the foregoing Notice of Removal was served, by First Class United States Mail, Postage Prepaid on this 28th day of February, 2013 to the following:

James W. Eason  
Rick A. Voytas  
Eason & Voytas, LLC  
1 North Taylor Ave.  
St. Louis, MO 63108

rickvoytas@gmail.com

/s/ Jaimie L. Thompson